

**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**  
**March 30, 2001**

**In Reply Refer To:**  
1800B3-GDG

Dennis F. Begley, Esq.  
Reddy, Begley & McCormick  
2175 K Street, N.W.  
Suite 350  
Washington, D.C. 20037-1803

In re: WAWZ(FM), Zarephath, NJ  
Facility No. 52601  
File No. BPH-960111IM

Dear Mr. Begley:

This letter concerns: (i) your December 7, 2000 notification on behalf of Pillar of Fire ("Pillar") that the referenced construction permit be treated pursuant to the tolling provisions of 47 C.F.R. §73.3598(b)(ii), and (ii) the application (File No. BMPH-20001221ABZ) filed December 21, 2000 to modify the construction permit of FM Station WAWZ(FM), Zarephath, New Jersey.

The referenced permit was initially granted December 1, 1998, requiring completion of construction by June 1, 2000. On March 27, 2000 we modified the Commission's records to reflect the tolling of the referenced permit as a result of the judicial review initiated March 26, 1999 with the Superior Court of New Jersey regarding the adverse zoning determination received from the Bridgewater (NJ) Township Zoning Board. The instant notification reports that the Superior Court denied Pillar's appeal on November 8, 2000, but permitted Pillar to amend its zoning application to propose a shorter tower. Pillar asks that the referenced permit be further tolled while it resolves this zoning litigation.

This request must be denied. While the Commission recognizes that judicial review of zoning matters regarding a proposed station's construction and/or operation before a court of competent jurisdiction, it unambiguously rejects for tolling purposes "the pendency of a zoning application before a local zoning board." *Report and Order* in MM Docket 98-43, 13 FCC Rcd 23056, 23091 (1998), *recons. granted in part and denied in part*, 14 FCC Rcd 17525 (1999). Pillar's revised zoning application is not considered for tolling purposes as a continuation of the judicial review acknowledged in our March, 2000 letter. We will therefore treat Pillar's December 2000 letter as notification, pursuant to 47 C.F.R. §73.3598(d), that the event tolling the referenced period is resolved.

Accordingly, Pillar's request that the referenced construction permit be further tolled IS DENIED, that the application (File No. BMPH-20001221ABZ) to modify this permit IS GRANTED, and that the Commission's records ARE HEREBY MODIFIED to require that construction pursuant to the referenced permit, as modified, must be completed and a license application filed no later than July 13, 2003.

Sincerely,

Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau